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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
60.1336/1551

First named inventor: Boyle, et al.
Application No.: 09/881,333 Art Unit: 3627
Filed: 06/14/2001 Examiner: Hewitt, James M.
Title: Low-Loss Inductive Couplers for use in Wired Pipe Strings

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

11/12/2003 SDIRETAL 00000014 09881333
01 FC:1453 1330.00 OP

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Restriction Requirement-Corrected (type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOV 14 2003

OFFICE OF PETITIONS

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

11-6-03

Date

John Lee

Signature

Telephone

Number: (781) 438-8112

John L. Lee

Typed or printed name

Lee Patent Services

48 Summer Street

Address

Stoneham, MA 02180

Address

Enclosures: ☒ Fee Payment \$1330

☒ Reply ("Response...")

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay ("Remarks...")

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

11-6-03

Date

Susan L. Filleul

Signature

Susan L. Filleul

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Boyle, et al. Attorney Docket: 60.1336/1551
Serial No.: 09/881,333 Art Unit: 3627
Date Filed: 6/14/2001 Examiner: Hewitt, James M.
Invention: Low-Loss Inductive Couplers for use in Wired Pipe Strings

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper, along with any other papers referred to as being attached or enclosed, is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan L Filleul

November 6, 2003

Susan Filleul

REMARKS ON

PETITION TO REVIVE UNDER 1.137(b), UNINTENTIONAL DELAY

Dear Sir:

Applicant respectfully petitions for revival under 1.137(b), (unintentional delay) of the above-mentioned patent application.

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OFFICE OF PETITIONS

Corrected Copy of Reply

A reply "Response to Restriction Requirement - Corrected" is enclosed herewith. The Response is corrected in respect to administrative matter only, as discussed below.

Petition Fee Required under 37 CFR 1.17(m)

A petition fee in amount \$1,330 (large entity) is enclosed herewith.

Statement Attesting Personal Knowledge of Mailing

As required under 37 CFR 1.8(b)(3), John L. Lee hereby attests personal knowledge of mailing of "Response to Restriction Requirement" on October 16, 2002.

Statement that the Entire Delay was Unintentional

John L. Lee hereby attests that the entire delay in filing the required reply from the due date of the reply until the due date of a grantable petition pursuant to CFR 1.137(b) was unintentional.

Support for Statement that the Entire Delay was Unintentional

1. "Response to Restriction Requirement" Not in Hands of Examiner .

The application went abandoned because, although the communications of October 16, 2002, (Response to Restriction Requirement), and February 28, 2003, (Duplicate Copy of Response to Restriction Requirement as Requested by Examiner) were received by the PTO on October 21, 2002, and February 28, 2003, respectively, neither were in the hands of the Examiner on May 7, 2003. The "Petition to Obtain Withdrawal of Holding of Abandonment", was filed on the advice of Examiner Hewitt received in a telephone conference initiated by Examiner Hewitt on May 12, 2003. The Petition was mailed on May 16, 2002,

and the matter lay in the PTO's hands until the "Decision on Petition to Withdraw the Holding of Abandonment – Petition Denied" issued on October 15, 2003. Thus, the delay from the due date of the reply, October 15, 2002, until the filing of a grantable petition was unintentional.

2. Petition to Obtain Withdrawal of Holding of Abandonment

The "Petition to Obtain Withdrawal of Holding of Abandonment", based on certificate of mailing, and mailed May 16, 2003, was denied as being incomplete for lack of a statement under 37 CFR 1.8(b)(3) from John L. Lee attesting personal knowledge of mailing of "Response to Restriction Requirement" mailed October 16, 2002. This omission was unintentional.

It is believed that a statement attesting personal knowledge of mailing of the "Response to Restriction Requirement" on October 16, 2002, may be required for the present petition. Accordingly, a statement attesting personal knowledge of mailing is included above in this petition.

3. Response to Restriction Requirement

The "Response to Restriction Requirement - Corrected" enclosed herewith is a corrected copy of the "Response to Restriction Requirement" mailed October 16, 2002. The Response is corrected in respect to administrative matter only, including the mailing date, the PTO address, and more significantly the errors that caused the response mailed October 16, 2002, to be untimely filed, and that in turn caused the application to go abandoned.

A first error was failure to include a petition for a one-month extension of time. It was believed (incorrectly) that October 16, 2002, the date "Response to Restriction Requirement" was mailed, was the due date. In fact, the due date was October 15, 2002. Normally, this would be triggered a conditional petition for a one-month extension of time. But in this case a first sentence "However, this conditional petition for extension of time is being made to provide for the possibility that the need for a petition for extension of time has been overlooked"

was omitted from the Summary section of the Response. The omitted first sentence should have preceded the last sentence in the Summary section of the Response, the sentence that reads “If additional fees are required for the timely consideration of this application, please charge deposit account no. 120914”. The intent was to include a request for a conditional petition for extension of time. Omission of the first sentence was unintentional.

The first error is addressed by adding the omitted first sentence to the second paragraph under “Summary of the Response” in “Response to Restriction Requirement – Corrected”.

A second error was a failure to delete “DRAFT” from the header of “Response to Restriction Requirement” mailed October 16, 2002. The word “DRAFT” was used in draft documents used in correspondence with the inventor. Failure to delete the word “DRAFT” before the final version was mailed to the PTO on October 16, 2002, was unintentional.

The second error is addressed by removing the word “DRAFT” from the header in “Response to Restriction Requirement - Corrected”.

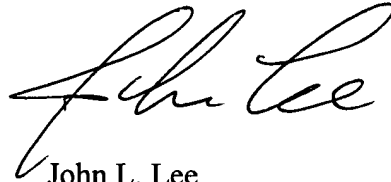
SUMMARY

Applicant respectfully petitions for revival of the above-mentioned patent application under 1.137(b), unintentional delay, and that the “Response to Restriction Requirement - Corrected” be entered. A petition fee in amount \$1,330 (large entity) is enclosed herewith.

It is believed that no extension of time is required. However, this conditional petition for extension of time is being made to provide for the possibility that the need for a petition for an extension of time has been overlooked. If additional fees are required for the timely consideration of this petition, please charge deposit account no. 12-0914.

Grant of this petition, entry of "Response to Restriction Requirement - Corrected", and consideration of the application in respect to elected claims 1-10 are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John L. Lee".

John L. Lee
Registration No. 33,942

MAILING ADDRESS
Lee Patent Services
48 Summer Street
Stoneham, MA 02180-1925
781-438-8112

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